



DOCKET No.: 279252US8

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

BRADLEY D. LYTHE
(703) 412-6489
BLYTHE@OBLON.COM

ZACHARY S. STERN
REGISTERED PATENT AGENT
(703) 413-6509
ZSTERN@OBLON.COM

RE: Application Serial No.: 09/809,004

Applicants: Robert S MARSHALL, et al.

Filing Date: March 16, 2001

For: ON-LINE DATA DISTRIBUTION AND
BROADCAST SYSTEM

Group Art Unit: 2623

Examiner: SALTARELLI, DOMINIC D.

SIR:

Attached hereto for filing are the following papers:

**CASE SPECIFIC POWER OF ATTORNEY WHERE MULTIPLE ASSIGNEES
ARE PRESENT OR IF THERE IS NO ASSIGNEE**

**PETITION UNDER 37 CFR 1.137(b) REQUESTING THE WITHDRAWAL OF
ABANDONMENT DUE TO UNINTENTIONAL DELAY**

AMENDMENT

Our credit card payment form in the amount of **\$1,500.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Registration No. 40,073

Customer Number

22850

(703) 413-3000 (phone)

(703) 413-2220 (fax)

I:\WTTY\UL279252US\203742US_SHORTPTOCOVER.DOC

Zachary S. Stern
Registration No. 54,719



CASE SPECIFIC POWER OF ATTORNEY WHERE MULTIPLE ASSIGNEES ARE PRESENT OR IF THERE IS NO ASSIGNEE

POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM

Application Number	09/809,004
Filing Date	March 16, 2001
First Named Inventor	Robert S MARSHALL, et al.
Title: ON-LINE DATA DISTRIBUTION AND BROADCAST SYSTEM	
Attorney Docket Number: 279252US8	

I hereby appoint:

Practitioners associated with the Customer Number

22850

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

The address associated with the above-mentioned Customer Number.

I am the:

Inventor.

SIGNATURE OF INVENTOR

Signature			
Name	Robert S. MARSHALL	Telephone	301-250-4000
Date	1/19/06		
Signature			
Name	Christopher D. SLOOP	Telephone	301-250-4000
Date	1/19/06		

* NOTE: Signatures of all the inventors are required. Total of 1 forms are submitted.

THIS FORM IS USED FOR PATENT APPLICATIONS HAVING MULTIPLE ASSIGNEES
OR IF THERE IS NO ASSIGNEE

DOCKET NO: 279252US



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

ROBERT S MARSHALL, ET AL.

SERIAL NO: 09/809,004

FILED: MARCH 16, 2001

FOR: ON-LINE DATA DISTRIBUTION
AND BROADCAST SYSTEM

EXAMINER: SALTARELLI, D.D.

GROUP ART UNIT: 2623

**PETITION UNDER 37 CFR 1.137(b) REQUESTING THE WITHDRAWAL OF
HOLDING OF ABANDONMENT DUE TO UNINTENTIONAL DELAY**

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

SIR:

Applicants respectfully request that the holding of abandonment for the above-identified Application be withdrawn due to the fact that the Notice of Non-Compliant Amendment under 37 C.F.R. § 1.121, mailed on November 28, 2005, was not received by Applicants' current counsel, Bradley Lytle, at Oblon, Spivak, McClelland, Maier and Neustadt, P.C. The rule found in 37 C.F.R. §1.137(b) states that "if the delay in reply by applicant...was unintentional, a petition may be filed...to revive an abandoned application." Further, 37 C.F.R. §1.137(b)(3) requires "a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition...was unintentional."

10/02/2006 JADDO1 00000109 09809004
01 FC:1453 1500.00 0P

The facts concerning this matter are as follows:

Application No. 09/809,004
Reply to Notice of Abandonment
Dated August 8, 2006

Applicants' current counsel filed an Amendment on October 7, 2005, in response to an Office Action dated April 7, 2005.

A Notice of Non-Compliant Amendment, dated November 28, 2005, was mailed by the USPTO to Applicants' former counsel, Roland H. Shubert, of Reston, VA. Moreover, the Notice of November 28, 2005 was not forwarded to Applicants' current counsel, or to the Applicants.

On July 27, 2006, after the period for replying to the Notice had expired, Examiner Salterelli contacted Applicants' current counsel to indicate that the application was abandoned. Accordingly, Applicants and Applicants' current representative first learned of the Notice, mailed November 28, 2005, on July 27, 2006, after the application was abandoned.

Accordingly, as Applicants' counsel did not receive the Notice of November 28, 2005 prior to abandonment of the application, it is respectfully submitted that the abandonment was unintentional. Further Applicants submit that the entire delay in filing the required reply from the due date for the reply until the filing of the present grantable petition was unintentional.

The petition fee under 37 C.F.R. 1.17 (m) is enclosed herewith.

A reply to the outstanding Office Action is also enclosed. Additionally, further to 37 C.F.R. §1.137(b)(4), Applicants submit that no terminal disclaimer is needed as the application was filed after June 8, 1995.

Application No. 09/809,004
Reply to Notice of Abandonment
Dated August 8, 2006

Accordingly, it is requested that the holding of abandonment be withdrawn and that prosecution be allowed to continue in the present application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Registration No. 40,073

Zachary S. Stern
Registration No. 54,719

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

I:\ATTY\JL\270252US\270252US_PET TO REVIVE ABANDONMENT.DOC